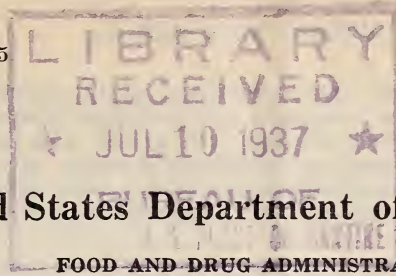


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# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1491-1525

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 5, 1937]

### 1491. Misbranding of Bartel's Canary Wash. U. S. v. The Shellgram Co. Plea of guilty. Fine, \$30. (I. & F. no. 1721. Sample no. 67281-A.)

The labeling of this product bore false and misleading claims regarding its antiseptic and insecticidal properties and the quantity of contents of the containers. The product contained inert ingredients that were not declared on the label.

On September 7, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shellgram Co., a corporation, Newark, N. J., alleging shipment by said company on or about November 14, 1933, from the State of New Jersey into the State of New York, of a quantity of Bartel's Canary Wash which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the carton and the bottle labels, (carton) "Bartel's Celebrated Antiseptic Canary Wash \* \* \* It should be used immediately for sores of all kinds \* \* \* Directions This wash is to be applied wherever the skin is broken or sore as a prevention against infection. Apply it to sores liberally. \* \* \* As a bath its cleaning effects is a large factor in discouraging the breeding of Mites on Birds. For Spraying for Mites, use half water and half Wash", and (bottle) "To be used wherever skin is sore or broken. Use promptly. Directions \* \* \* Bathe the affected part thoroughly \* \* \* For Cuts, Scratches and Old Sores, do the same. Use this wash on Birds, Fowl, Animals Wherever The Skin is Sore or Broken \* \* \* Contents 3 fluid oz. \* \* \* For Mange and other skin diseases on dogs.", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article, when used as directed, would act as an effective antiseptic for the purposes stated on the label, would prevent infection, would discourage the breeding of mites, would be effective against mites, and would be effective against all varieties of mange and all skin diseases on dogs, and that the net contents of the bottles were 3 fluid ounces; whereas the article, when used as directed, would not act as an effective antiseptic for the purposes stated on the label, would not prevent infection, would not discourage the breeding of mites, would not be effective against mites, and would not be effective against all varieties of mange and all skin diseases on dogs, and the net content of the bottles was not 3 fluid ounces, but was a less amount.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, namely, water and glycerin, which substances do not prevent, destroy, repel, or mitigate insects or fungi (bacteria), and the name and the percentage amount of each inert ingredient present in the article were not stated plainly and correctly on the bottle labels or on the cartons; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal (bac-



tericidal) properties and the total percentage of the inert ingredients present therein stated plainly and correctly on the bottle label or carton.

The information further charged that the article also was misbranded in violation of the Food and Drugs Act, reported in notice of judgment no. 26117 published under that act. On October 11, 1934, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$30 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1492. Adulteration and misbranding of Solution Cresol Compound U. S. P. U. S. v. American Pharmaceutical Co. Plea of guilty. Fine, \$100. (I. & F. no. 1673. Sample no. 11045-A.)**

This case involved an interstate shipment of an article, labeled "Solution Cresol Compound U. S. P. (Liquor Cresolis Compositus)", which differed in composition from liquor cresolis compositus as defined in the United States Pharmacopoeia, and the label of which bore a deceptive and misleading representation as to the inert content of the article.

On April 23, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Pharmaceutical Co., a corporation trading at New York, N. Y., charging shipment by said corporation on or about June 3, 1932, from the State of New York into the State of New Jersey of a quantity of an article, labeled "Solution Cresol Compound U. S. P. (Liquor Cresolis Compositus)", that was adulterated and misbranded in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated (1) in that the statement borne on the label, "Solution Cresol Compound U. S. P. (Liquor Cresolis Compositus)", represented that the article contained the ingredients and the proportions thereof specified for liquor cresolis compositus in the United States Pharmacopoeia; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it did not contain the ingredients and proportions thereof specified for liquor cresolis compositus in the United States Pharmacopoeia, but phenols other than U. S. P. cresol and fatty material other than linseed oil had been used as ingredients of the article; and (2) in that the statement on the label, "Solution Cresol Compound U. S. P. (Liquor Cresolis Compositus)", represented that the article complied with the pharmacopoeia for liquor cresolis compositus, and that it contained the ingredients and proportions thereof specified for liquor cresolis compositus in said pharmacopoeia; whereas the article did not comply with the requirements of the pharmacopoeia, since phenols other than U. S. P. cresol and fatty material other than linseed oil had been substituted for U. S. P. cresol and for linseed oil.

The article was alleged to be misbranded in that the statements borne on the label, "Solution Cresol Compound U. S. P. (Liquor Cresolis Compositus) Inert water less than 20 percent", were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article contained the ingredients and the proportions thereof specified for liquor cresolis compositus in the United States Pharmacopoeia, and that it contained water only as an inert ingredient; whereas the article did not contain the ingredients and the proportions thereof specified for liquor cresolis compositus in said pharmacopoeia, since phenols other than U. S. P. cresol and fatty material other than linseed oil had been used in the preparation of the article, and it did not contain water only as an inert ingredient but contained glycerin as an inert ingredient in addition to water.

On March 2, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1493. Adulteration and misbranding of Velvet Dry-Mix and Velvet Bug Dust; misbranding of Lime-Sulphur Solution. U. S. v. H. A. DuBois & Sons, Inc. Plea of guilty. Fine, \$175. (I. & F. no. 1774. Sample nos. 34283-A, 34284-A, 68687-A.)**

This case involved shipments of Velvet Dry-Mix and Velvet Bug Dust which contained smaller proportions of the active ingredients and larger proportions of the inert ingredients than declared on the label, and which contained arsenic that was not declared in terms of the percentage of arsenic and of arsenic in water-soluble form. The labeling of the Velvet Bug Dust bore

unwarranted insecticidal claims. The case also covered a shipment of lime-sulphur solution which was not labeled with the required inert-ingredients declaration.

On October 2, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. A. DuBois & Sons, Inc., Cobden, Ill., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about February 17 and March 27, 1933, from the State of Illinois into the State of Tennessee, of quantities of Velvet Dry-Mix and Velvet Bug Dust which were adulterated and misbranded insecticides, and on or about March 22, 1934, from the State of Illinois into the State of Missouri, of a quantity of lime-sulphur solution which was a misbranded insecticide and fungicide.

The Velvet Dry-Mix was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Sulphur, not less than 58% Arsenate of Lead, not less than 8% Inert Ingredients, not more than 34%"; whereas it contained less than 58 percent of sulphur, less than 8 percent of arsenate of lead, and inert ingredients in excess of 34 percent.

The Velvet Bug Dust was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold, since it was labeled "Not less than 10% Calcium Arsenate Not more than 90% Inert"; whereas it contained less than 10 percent of calcium arsenate and contained inert ingredients in excess of 90 percent.

Misbranding was alleged in that the statement, "Sulphur, not less than 58% Arsenate of Lead, not less than 8% Inert Ingredients, not more than 34% with respect to the Velvet Dry-Mix, and the statements, "Not less than 10% Calcium Arsenate Not more than 90% Inert" and "Velvet Bug Dust \* \* \* For Cantaloupes, Cucumbers, Cabbage, Potatoes, Beans, Rose Bushes, House Plants, etc.", with respect to the Velvet Bug Dust, were false and misleading, and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser, since the Velvet Dry-Mix contained smaller proportions of sulphur and arsenate of lead, and a greater proportion of inert ingredients than the amounts so declared on the label; and the Velvet Bug Dust contained a smaller proportion of calcium arsenate and a larger proportion of inert ingredients than the amounts declared, and, when used as directed, would not act as an effective insecticide against all bugs that infest cantaloupes, cucumbers, cabbage, potatoes, beans, rosebushes, house plants, etc.

Misbranding of the Velvet Dry Mix and Velvet Bug Dust was alleged for the further reason that the articles contained arsenic and the total amount of arsenic present therein and the amount of arsenic in water-soluble forms, expressed as percentum of metallic arsenic, were not stated on the labels.

The lime-sulphur solution was alleged to be misbranded in that it consisted partially of an inert substance, water, which substance does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the inert substance so present therein were not stated plainly and correctly, or at all, on any label borne on the drum containing the article; nor, in lieu thereof, were the name and the percentage amount of each substance or ingredients of the article having insecticidal or fungicidal properties, and the total percentages of the inert substances or ingredients so present therein, stated plainly and correctly on the label.

On May 22, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$175.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1494. Misbranding of Dodge's Dog Soap. U. S. v. Louis Funder (Babiglo Co.).**  
**Plea of guilty. Fine, \$20. (I. & F. no. 1819. Sample no. 21275-B.)**

This case involved a product the labeling of which contained false and misleading representations regarding its alleged effectiveness in the treatment of mange. The article contained inert ingredients that were not declared as required by law.

On September 11, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Funder, trading as the Babiglo Co., New York, N. Y., alleging shipment by said defendant on or about October 22, 1934, from the State of New York into the State of Connecticut, of a quantity of Dodge's Dog Soap which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.



The article was alleged to be misbranded in that the statement, "Dodge's Dog Soap For Mange", borne on the carton containing the article, was false and misleading, and by reason thereof the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article, when used as directed, would act as an effective treatment for any variety of mange that infests dogs; whereas the article, when used as directed, would not act as an effective treatment for any variety of mange that infests dogs. Misbranding was alleged for the further reason that the article consisted partially of an inert substance, namely, water, which inert substance does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount thereof were not stated plainly and correctly on the carton label; nor, in lieu thereof, were the names and percentage amounts of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert ingredients present therein, stated plainly and correctly on the carton label.

On September 28, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1495. Misbranding of De-Germ. U. S. v. Century Chemical Products Co., Inc. Plea of guilty. Fine, \$300. (I. & F. no. 1831. Sample no. 37049-B.)**

This case involved a fungicide the labeling of which contained false and misleading germicidal and disinfectant claims.

On October 10, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Century Chemical Products Co., Inc., Detroit, Mich., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about April 15, 1935, from the State of Michigan into the State of Georgia of a quantity of De-Germ that was misbranded.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading and were applied to the article so as to deceive and mislead the purchaser, since they represented that the article was an especially effective germicide and disinfectant and would act as a germicide in a dilution of 1-30; whereas it was not an especially effective germicide and disinfectant and would not act as a germicide in a dilution of 1-30: "De-Germ is an especially effective germicide and disinfectant" and "De-Germ, when tested, without additional organic matter, by the method employed by the United States Food and Drug Administration, De-Germ proved to be germicidal in five minutes when diluted with thirty parts of water \* \* \* Germicidal Tests Sample De-Germ Organisms Used.

*B. Typhosus*

Dilution	Time exposed (minutes)—				Dilution	Time exposed (minutes)—			
	2½	5	7½	10		2½	5	7½	10
1-20.....	—	—	—	—	1-40.....	+	+	—	—
1-30.....	—	—	—	—	1-50.....	+	+	+	—

*Staphylococcus Aureus*

Dilution	Time exposed (minutes)—				Dilution	Time exposed (minutes)—			
	2½	5	7½	10		2½	5	7½	10
1-20.....	—	—	—	—	1-40.....	+	+	—	—
1-30.....	—	—	—	—	1-50.....	+	+	+	—

On May 15, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1496. Alleged adulteration and misbranding of Red Circle Roach Destroyer. U. S. v. Red Circle Products Co., Inc. Tried to a jury. Directed verdict of not guilty. (I. & F. no. 1842. Sample nos. 7077-A, 28388-B.)**

On December 11, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Red Circle Products Co., Inc., Houston, Tex., alleging shipment by said company on or about October 6, 1933, from the State of Texas into the State of Mississippi, and on or about September 22, 1934, from the State of Texas into the State of Louisiana, of quantities of Red Circle Roach Destroyer, and charging that the article was adulterated and misbranded within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Inert ingredients—Wheat flour 15.3%, Sugar 9.7%, Corn meal 36%"; whereas it contained inert ingredients in a proportion greater than 61 percent, samples taken from the two lots having been found to contain 66.36 percent and 63.3 percent, respectively, of inert ingredients.

The article was alleged to be misbranded in that the above-quoted statements, borne on the can label, were false and misleading, and that, by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, since it contained inert ingredients in a proportion greater than 61 percent.

On June 22, 1936, the case came on for trial before a jury and at the conclusion of the evidence offered by the Government, the court directed a verdict of not guilty on all counts.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1497. Adulteration and misbranding of Standard Sulpho-Carb Antiseptic Tablets. U. S. v. Standard Chemical Manufacturing Co. and John W. Gamble. Pleas of guilty. Fines, \$30. (I. & F. no. 1869. Sample no. 23069-B.)**

This product contained a smaller proportion of corrosive sublimate than declared and the labeling bore false and misleading claims regarding the alleged effectiveness of the article as a sterilizing agent and failed to declare the inert ingredients present therein.

On April 16, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Chemical Manufacturing Co., Inc., and John W. Gamble, of Omaha, Nebr., alleging shipment by said defendants on or about January 31, 1935, from the State of Nebraska into the State of Minnesota, of a quantity of Sulpho-Carb Antiseptic Tablets that were an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "corrosive sublimate 16%"; whereas it contained corrosive sublimate, i. e., mercury bichloride, in a proportion less than 16 percent.

The article was alleged to be misbranded in that the following statements borne on the boxes containing the article and in an accompanying circular, (box) "Corrosive Sublimate 16% For sterilizing the drinking water of poultry \* \* \* Give the sterilized water to all the poultry \* \* \* Start the baby chicks on the sterilized water \* \* \* until the chicks have had the sterilized water for three seven-day periods", and (circular) "One of its principal uses in the sterilization of drinking water \* \* \* One Standard Sulpho-Carb Antiseptic Tablet dissolved in each gallon of drinking water thoroughly sterilizes it \* \* \* The entire flock should be given water so sterilized \* \* \* use water sterilized with Standard Sulpho-Carb Antiseptic Tablets \* \* \* should be given water sterilized with Standard Sulpho-Carb Antiseptic Tablets \* \* \*. For Sterilized Drinking Water. Dissolve 1 Sulpho-Carb Antiseptic Tablet in each gallon of water", were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that the article contained not less than 16 percent of corrosive sublimate and when used as directed would sterilize drinking water; whereas the article contained less than 16 percent of corrosive sublimate (mercury bichloride) and when used as directed would not sterilize drinking water.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, i. e., substances other than mercury bichloride, and the name and percentage amount of each inert substance present in the article were not plainly and correctly stated on the label; nor, in



lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substances present therein stated plainly and correctly on the box label.

The information further charged misbranding of this product—as well as several other products—in violation of the Food and Drugs Act, reported in notice of judgment No. 26506 published under that act.

On November 5, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$5 on each count of the information against each defendant, which, in the case of the counts charging violation of the Insecticide Act, amounted to \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1498. Misbranding of tobacco powder. U. S. v. Friedman Tobacco Products Corporation. Plea of guilty. Fine, \$25. (I. & F. no. 1870. Sample no. 39937-B)**

This case involved a shipment of tobacco powder the labeling of which failed to declare the inert ingredients.

On March 3, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Friedman Tobacco Products Corporation, trading at York, Pa., alleging shipment by said company on or about August 20, 1935, from the State of Pennsylvania into the State of Maryland of a quantity of tobacco powder that was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances or ingredients, namely, substances other than nicotine, which said substances do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each inert ingredient of the article present therein were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and percentage amount of the inert substance or ingredient present in the article stated plainly and correctly on the label.

On May 4, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1499. Misbranding of Watkins Dry Insecticide. U. S. v. The J. R. Watkins Co., Inc. Plea of guilty. Fine, \$225. Fine suspended and defendant placed on probation. (I. & F. no. 1872. Sample nos. 24430-B, 24556-B.)**

This case involved an insecticide and fungicide the labeling of which bore false and misleading claims regarding its alleged disinfectant and insecticidal properties.

On April 24, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the J. R. Watkins Co., a corporation trading at Newark, N. J., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about March 4 and March 27, 1935, from the State of New Jersey into the State of Pennsylvania of quantities of Watkins Dry Insecticide that was misbranded.

The article was alleged to be misbranded in that the statements, "A Dry Dip \* \* \* For removing certain insects \* \* \* mites \* \* \* ticks from livestock \* \* \* When used according to directions it will \* \* \* help to rid stock \* \* \* certain other insects \* \* \* This powder is a substitute for dipping stock when weather is too damp and cold for moistening them with dip solution \* \* \* For Lice on Cattle and Horses: Take a pinch in the hand and, beginning at tail head, rub against the hair \* \* \* About three to four pinches is sufficient for each animal \* \* \* For Lice on Hogs: Take a pinch \* \* \* Usually two pinches is sufficient for a large hog. Hogs can also be deloused by sprinkling a liberal amount in their bedding. \* \* \* Hogs: When placed in the bedding it acts as a disinfectant at the same time. \* \* \* Poultry: \* \* \* It also tends to disinfect them. \* \* \* Watkins Dry Insecticide contains disinfecting \* \* \* agents. When used according to directions it will act as a disinfectant \* \* \* For Mites on Poultry: Sprinkle liberally along roosts. It prevents mites from crawling back and forth on fowls when roosting. \* \* \* For insects on cabbage and cauliflower plants, apply lightly when plants are dry. For cucumber, squash, pumpkin, and melon vines, sprinkle on ground beneath



plants only. Do not use directly on these plants. For Cutworms that cut off young tomatoes, cabbage, sweet corn plants, etc., sprinkle on ground around and close to each plant", borne on the label affixed to the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article was not a dip; when used as directed, it would not act as an effective insecticide against all varieties of mites and ticks and all other insects indicated by the term "certain insects" that infest livestock; it would not be effective for all conditions for which stock are dipped; three or four pinches of the product would not act as a control for lice on cattle or horses; two pinches of the product would not act as a control for lice on hogs, nor could hogs be deloused by sprinkling a liberal amount of the product in their bedding; the article, when used as directed, did not contain effective amounts of disinfecting agents; it would not act as a disinfectant when used according to directions; it would not act as a disinfectant in the bedding of hogs; it would not disinfect or tend to disinfect poultry when used as directed; it would not act as an effective insecticide against mites on poultry or against many of the insects that infest cabbage and cauliflower plants and cucumber, squash, pumpkin, and melon vines, and would not act as an effective insecticide against cutworms.

On May 15, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$225. Execution of sentence, however, was suspended and the defendant was placed on probation for 6 months.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1500. Misbranding of Aroma Moth Vaporizer and Termox Moth Proofing Crystals. U. S. v. Ben Berg and Saul Nathan (Berg & Nathan Sales Co.). Pleas of guilty. Fine, \$25. (I. & F. no. 1875. Sample nos. 33442-B, 33462-B.)**

This case involved a shipment of Aroma Moth Vaporizer the labeling of which bore false and misleading claims regarding its alleged effectiveness in the control of moths. This product, and a shipment of Termox Moth Proofing Crystals which also was covered by the information, contained inert ingredients that were not declared as required by law.

On April 2, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ben Berg and Saul Nathan, copartners, trading as Berg & Nathan Sales Co., Chicago, Ill., alleging shipment by said defendants on or about May 1, 1935, from the State of Illinois into the State of Ohio, of a quantity of Aroma Moth Vaporizer, and on or about August 26, 1935, from the State of Illinois into the State of Wisconsin of a quantity of Termox Moth Proofing Crystals, which products were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The Aroma Moth Vaporizer was alleged to be misbranded in that the statements, "Aroma Moth Vaporizer the Concentrated Strength of this Vaporizer Kills Moths and Moth Eggs \* \* \* Use One Vaporizer for Every 5 Cubic Feet of Space Use as a Moth-Killer for Clothes Closets, Trunks, Dresser Drawers, Garment Bags, and to Pack Away Furs, Blankets", borne on the package label, were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article when used as directed would act as an effective insecticide against moths; whereas it would not act as an effective insecticide against moths when used as directed.

Misbranding of both products was alleged for the reason that they consisted partially of an inert substance, sodium chloride, which inert substance does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance present therein were not stated plainly and correctly on the labels borne on the envelopes containing the articles; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the articles having insecticidal properties, and the total percentage of the inert substance present therein stated plainly and correctly on said labels.

On October 19, 1936, the defendants entered pleas of guilty and the court imposed a fine of \$25 against the defendants jointly.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1501. Adulteration and misbranding of All-Nu Roach and Ant Killer and misbranding of Scientific Fly Spray. U. S. v. All-Nu Products Co. Plea of guilty. Fine, \$150. (I. & F. no. 1877. Sample nos. 30852-B, 38289-B.)**

This case involved two preparations one of which, Scientific Fly Spray, was labeled with false and misleading insecticidal claims and other misrepresentations; and the other, All-Nu Roach and Ant Killer, contained a smaller proportion of the active ingredients and a larger proportion of inert ingredients than declared.

On April 24, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the All-Nu Products Co., Camden, N. J., alleging shipment by said company on or about February 26, 1935, from the State of New Jersey into the State of New York of a quantity of Scientific Fly Spray, and on or about April 25, 1935, from the State of New Jersey into the State of Pennsylvania of a quantity of All-Nu Roach and Ant Killer, and charging that the former product was misbranded and that the latter was adulterated and misbranded in violation of the Insecticide Act of 1910.

The All-Nu Roach and Ant Killer was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Sodium-Silico-Fluoride 70%. Inert Matter 30%", whereas it contained sodium silico fluoride in a proportion less than 70 percent, it contained inert matter in a proportion greater than 30 percent, and it contained an active ingredient in addition to sodium silico fluoride, namely, sodium fluoride. Misbranding of the All-Nu Roach and Ant Killer was alleged for the reason that the statements, "Sodium-Silico-Fluoride 70% Inert Matter 30%", borne on the label of the can containing the article, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since it contained sodium silico fluoride in a proportion less than 70 percent, it contained inert matter in a proportion greater than 30 percent, and it contained an active ingredient in addition to sodium silico fluoride, namely, sodium fluoride.

The Scientific Fly Spray was alleged to be misbranded in that the statements, "Scientific Fly Spray is unexcelled for exterminating and killing flies, moths, mosquitoes, ants, fleas and water bugs. \* \* \* To kill moths, spray lightly on rugs, draperies, upholstery or clothing", and "It is absolutely harmless to humans and pets \* \* \* Non-Poisonous", borne on the label of the can containing the article, were false and misleading; and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that the article, when used as directed, would not exterminate flies, moths, mosquitoes, ants, fleas, and water bugs; would not act as an effective insecticide against moths in upholstery; and would not act as an effective insecticide against the other insects named on the label, without repeated applications, and the article was not absolutely harmless to humans and pets but was poisonous.

On May 26, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1502. Adulteration and misbranding of copper lime dust. U. S. v. Cooperative G. L. F. Mills, Inc. Plea of guilty. Fine, \$100. (I. & F. no. 1879. Sample no. 51856-B.)**

This product contained calcium arsenate in a proportion less than declared. The inert ingredients present in the article were not declared on the label as prescribed by law.

On March 23, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cooperative G. L. F. Mills, Inc., Buffalo, N. Y., alleging shipment by said company on or about July 3, 1935, from the State of New York into the State of Pennsylvania of a quantity of copper lime dust which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Calcium Arsenate 15%"; whereas in fact it contained calcium arsenate in a proportion less than 15 percent.

The article was alleged to be misbranded in that it consisted partially of inert substances or ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of



the inert substances or ingredients present in the article were not stated plainly and correctly, or at all, on the label attached to the bags containing the article; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of inert substances present therein stated plainly and correctly on the label.

On November 19, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1503. Adulteration and misbranding of Easy Sprayer Cartridges No. 1 and misbranding of Easy Sprayer Cartridges No. 2. U. S. v. Easy Sprayer & Chemical Manufacturing Co. Plea of guilty. Fine, \$20. (I. & F. no. 1881. Sample nos. 31278-B, 31279-B, 37918-B.)**

This case involved products described as Easy Sprayer Cartridges No. 1 and No. 2. The no. 1 cartridges were adulterated and misbranded because of deficiency of nicotine and absence of alcohol, a declared ingredient, and were misbranded further because of false and misleading insecticidal claims in the labeling. The no. 2 cartridges were misbranded because of false and misleading claims in the labeling regarding their alleged effectiveness in the control of mildews.

On April 1, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Easy Sprayer & Chemical Manufacturing Co., a corporation, Berkeley, Calif., alleging shipment by said company on or about January 30 and April 25, 1935, from the State of California into the State of Washington, of a quantity of Easy Sprayer Cartridges No. 2 which was a misbranded fungicide, and a quantity of Easy Sprayer Cartridges No. 1 which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The No. 1 was alleged to be adulterated in that its strength and purity fell below the professed standard of quality under which it was sold, since it was labeled "Active Ingredients: Nicotine 8%; Alcohol 10%"; whereas it contained less than 8 percent of nicotine and no alcohol.

Misbranding of the No. 1 was alleged for the reason that the statements, "Active Ingredients: Nicotine 8%; Alcohol 10%" and "Easy Sprayer Cartridges No. 1 is effective in the control of ants, \* \* \* red spider and some scale insects", borne on the carton label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article contained not less than 8 percent of nicotine and not less than 10 percent of alcohol and, when used as directed, would act as an effective control for ants, red spiders and many of the common scale insects; whereas the article contained less than 8 percent of nicotine, it contained no alcohol, and, when used as directed, would not act as an effective control for ants, red spiders, or many of the common scale insects.

Misbranding of No. 2 was alleged for the reason that the statements "Easy Sprayer Cartridges Number 2 \* \* \* For Mildew \* \* \* To obtain best results, apply the spray directly upon the foliage for the control of mildew. Easy Sprayer Cartridge No. 2 is effective in the control of mildew", were false and misleading and by reason thereof the article was labeled so as to deceive and mislead the purchaser, since they represented that the article, when used as directed, would act as an effective control for mildew; whereas the article, when used as directed, would not act as an effective control for mildew.

On May 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1504. Misbranding of lime-sulphur solution. U. S. v. Interstate Chemical Manufacturing Co. Plea of guilty. Fine, \$75 on first count. Fines of \$250 on each of remaining counts suspended and defendant placed on probation. (I. & F. no. 1883. Sample nos. 22045-B, 22099-B, 22100-B.)**

This case involved shipments of an insecticide and fungicide which was short in volume.

On April 24, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Chemical Manufacturing Co., a corpora-

tion, Jersey City, N. J., alleging shipment by said company, on or about April 4, April 27, and May 22, 1935, from the State of New Jersey into the State of New York, of quantities of lime-sulphur solution which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements on the labels, "Contents One Gallon" and "Contents One Quart", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since each of the larger cans contained less than 1 gallon and each of the smaller sized cans contained less than 1 quart of the article.

On May 29, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75 on count 1. Fines of \$250 imposed on each of counts 2 and 3 were suspended and the defendant was placed on probation for 6 months.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1505. Misbranding of Fleadex. U. S. v. Walter B. Stevens & Son, Inc. Plea of guilty. Fine, \$150. (I. & F. no. 1884. Sample no. 50583-B.)**

This product contained an inert ingredient that was not stated on the label as is required by law.

On April 23, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Walter B. Stevens & Son, Inc., New York, N. Y., alleging shipment by said company on or about July 10, 1935, from the State of New York into the State of New Jersey of a quantity of Fleadex which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, namely, water, and the name and percentage amount of the said inert substance so present therein were not stated plainly and correctly on the label affixed to the can containing the article; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert substance present therein stated plainly and correctly on the can label.

On May 5, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1506. Adulteration and misbranding of Cresoleum and misbranding of Sweet Death. U. S. v. Erie Drug Co. Plea of guilty. Fine, \$25 and costs. (I. & F. no. 1885. Sample nos. 37379-B, 44320-B.)**

This case involved a shipment of Cresoleum which was misbranded with respect to the inert ingredients, its carbolic acid coefficient, and its alleged antiseptic and disinfectant properties; also a shipment of Sweet Death the labeling of which bore false and misleading insecticidal claims.

On April 9, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Erie Drug Co., a corporation, Erie, Pa., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about March 27, 1935, and August 15, 1935, respectively, from the State of Pennsylvania into the State of New York of a quantity of Cresoleum which was adulterated and misbranded, and of a quantity of Sweet Death which was misbranded.

The Cresoleum was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "inert matter: water not over 15%"; whereas, in fact, it contained inert matter, namely, water and mineral oil, in a proportion much greater than 15 percent.

The Cresoleum was alleged to be misbranded in that the statements, "inert matter: water not over 15%", "Carbolic acid coefficient 4 to 5", and "Antiseptic \* \* \* Disinfectant For Cuts & Bruises Use teaspoonful to a pint of water", borne on the bottle label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since they represented that the article contained not more than 15 percent of inert matter, that it possessed a carbolic acid coefficient of not less than 4, and that it would act as an antiseptic and disinfectant



for cuts and bruises at the dilution of one teaspoonful to a pint of water; whereas it contained inert matter, namely, water and mineral oil in a proportion much greater than 15 percent, it possessed a carbolic acid coefficient less than 4, namely, 3 by F. D. A. method, and it would not act as an antiseptic and disinfectant for cuts and bruises at the dilution of one teaspoonful to a pint of water.

Misbranding was alleged with respect to the Sweet Death for the reason that the statement, "Sweet Death Kills Flies, Fleas, \* \* \* Roaches, \* \* \* Bedbugs", borne on the bottle label, was false and misleading and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article when used as directed would act as an effective insecticide against flies, fleas, roaches, and bedbugs; whereas the article when used as directed, would not act as an effective insecticide against flies, fleas, roaches, and bedbugs.

On April 13, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1507. Misbranding of Shine A Stine. U. S. v. 36 Boxes of Shine A Stine. Default decree of condemnation and destruction. (I. & F. no. 1887. Sample no. 52318-B.)**

This product was misbranded on account of false and misleading claims in the labeling regarding its alleged sterilizing and bactericidal effectiveness, the amount of available chlorine present therein, the weight of the contents of the containers, and failure to declare the inert ingredients.

On March 14, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes of Shine-A-Stine at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about January 9, 1936, by the Walter W. Miller Co. from Indianapolis, Ind., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the box labels, "Sterilizer \* \* \* Shine-A-Stine is a \* \* \* Sterilizer \* \* \* to be used in sterilizing of food and drink glassware and utensils \* \* \* Beer Coil (cleans and sterilizes) \* \* \* The above standard solution will \* \* \* sterilize \* \* \* dishes, cooking utensils, ice boxes, silverware, sinks, bath tubs, woodwork, etc. \* \* \* Shine-A-Stine differs from most sterilizers \* \* \* it not only sterilizes \* \* \* For Laundry:—Use two tablespoonfuls in water, allowing clothes to soak at least thirty minutes (preferable over night) \* \* \*. Directions for Use:—Standard solution. Dilute one-half ounce (2 tablespoons) of Shine-A-Stine per gallon of water. Wash thoroughly and rinse with clear water. The above solution has a chlorine content of 200 P. P. M. (200 parts per million) of available chlorine which is recognized by Health authorities to be more than sufficient to kill bacteria Net Weight, 5 lbs.", were false and misleading and were made with intent to deceive purchasers in that they represented that the article would act as a sterilizer that would sterilize the objects and things indicated, that it would, when added to water in the proportion stated, provide a solution containing 200 parts per million of available chlorine, and that it would kill all bacteria and that the net weight of the contents of the boxes was 5 pounds; whereas the article would not act as a sterilizer and would not sterilize the objects and things indicated, when added to water in the proportion stated it would not provide a solution containing 200 parts per million of available chlorine, it would not kill all bacteria, and each of the said boxes contained less than 5 pounds of the article. Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, namely, substances other than calcium hypochlorite and sodium phosphate and the name and percentage amount of each inert substance or ingredient of the article were not stated plainly and correctly on the labeling borne on the boxes containing the article; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of inert substances present therein stated plainly or correctly on the label.

On May 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1508. Adulteration and misbranding of Dairex. U. S. v. 2 Drums of Dairex. Default decree of condemnation and destruction. (I. & F. no. 1889. Sample no. 62402-B.)**

This product was labeled to indicate that it contained available chlorine, whereas it contained no available chlorine. The labeling also bore false and misleading claims regarding the sterilizing and deodorant properties of the article.

On March 19, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two drums of Dairex at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about June 25, 1935, by Charles Dennery, Inc., from New Orleans, La., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that it was labeled "Contains Over 2.5% Chlorine, Active Ingredients, Chlorinated Compound 12.5%"; whereas it contained no available chlorine nor chlorinated compound having chlorine in available form.

The article was alleged to be misbranded in that the following statements appearing in the labeling "Contains Over 2.5% Chlorine, Active Ingredients, Chlorinated Compound 12.5%, Alkaline Sodium Compound 82.5%, Sodium Carbonate .5%, The Ideal Non Corrosive Germicide \* \* \* Dairex is especially recommended for sterilizing all equipment. One ounce to each gallon water is sufficient to make a sterilizing solution. Clean and sterilize the filter as follows: Close the inlet valve and drain the filter then close the outlet valve. Put into the filter one pound Dairex for every 50 gallons water; let stand a few hours, then open the outlet valve and rinse thoroughly with water to eliminate any odor of chlorine. \* \* \* It will keep refrigerators, bread boxes, garbage cans, etc., clean and free from foul odors. \* \* \* Dishes, glasses, etc., should be rinsed in water containing Dairex. \* \* \* One ounce to four gallons hot or cold water for cleaning and sterilizing incubators, coops, etc. \* \* \* Its use in the drinking water of chicks and fowls is recommended. Dairex Kills Bacteria \* \* \* Dairex produces a non-poisonous sterile solution that eliminates the foulest odors from milk cans, etc. One ounce (heaping tablespoonful) to four gallons of water will give a sterilizing solution containing over 50 parts per million available chlorine. Be sure to thoroughly wash and clean all dairy equipment before using sterilizing solution. Change the sterilizing solution at each milking time. \* \* \* Dairex Kills Bacteria", were false and misleading and were designed and intended to deceive and mislead the purchaser, since the said statements represented that the article contained chlorine and a chlorinated compound containing chlorine in an available form, that it was an ideal germicide, that it would produce a sterile solution or sterilizing solution and would sterilize and keep refrigerators, bread boxes, garbage cans, and so forth, clean and free from foul odors and would be an effective germicide for dishes, glasses, and so forth, that its use in the drinking water of chicks and fowls was recommended, that it would eliminate the foulest odors from milk cans and that 1 ounce, a heaping tablespoonful, to 4 gallons of water would give a sterilizing solution containing over 50 parts per million available chlorine and that it would kill bacteria when used as directed; whereas the article did not contain chlorine or chlorinated compound containing chlorine in available form, it was not an ideal germicide, would not produce a sterile and sterilizing solution, and would not sterilize, would not keep refrigerators, bread boxes, garbage cans, and so forth, free from foulest odors, would not be an effective germicide for dishes, glasses, and so forth, and for drinking water of chicks and fowls and would not produce a solution containing 50 parts per million in available chlorine and would not kill bacteria when used as directed.

On May 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1509. Adulteration and misbranding of Justrite Flea Powder. U. S. v. The Justrite Co. Plea of guilty. Fine, \$50. (I. & F. no. 1893. Sample no. 50600-B.)**

This product contained a smaller percentage of naphthalene and a larger percentage of inert ingredients than declared on the label.

On May 6, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court



an information against the Justrite Co., a corporation trading at Jersey City, N. J., alleging shipment by said company on or about October 7, 1935, from the State of New Jersey into the State of New York, of a quantity of Justrite Flea Powder which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Naphthalene 38%, Inert Ingredients 24%"; whereas it contained naphthalene in a proportion much lower than 38 percent and contained inert ingredients in a proportion much greater than 24 percent.

The article was alleged to be misbranded in that the statements "Naphthalene 38%, Inert Ingredients 24%", borne on the label affixed to the can containing the article, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since it contained much less than 38 percent of naphthalene and contained inert ingredients in a proportion much greater than 24 percent.

On May 15, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1510. Adulteration and misbranding of Sterilac Solution. U. S. v. 171 Bottles of Sterilac Solution. Default decree of condemnation and destruction. (I. & F. no. 1900. Sample nos. 62281-B, 62282-B.)**

This product contained a smaller proportion of active ingredients and a larger proportion of inert ingredients than declared on the label. The label also bore false and misleading claims relative to its sterilizing and disinfectant properties, and other misrepresentations.

On April 29, 1936, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 171 2-ounce, 8-ounce, 16-ounce, and 5-pound bottles of Sterilac Solution at San Antonio, Tex., alleging that the article had been shipped in interstate commerce in part on or about March 8, 1927, and in part on or about April 24, 1930, by the Sterilac Co. from North Chicago, Ill., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Germicidally active ingredient, 94%; inactive (monohydrated sodium carbonate), 6%"; whereas it contained a germicidally active ingredient in a proportion less than 94 percent and contained inactive or inert ingredients in a proportion much greater than 6 percent, and it contained inactive or inert material other than monohydrated sodium carbonate, namely, sodium chloride.

The article was alleged to be misbranded in that the following statements, borne on the bottle labels, "Germicidally active ingredient, 94%; inactive (monohydrated sodium carbonate), 6% 'An ideal disinfectant \* \* \* non-poisonous and non-caustic' Disinfectant \* \* \* Poultry houses, yards and coops should be thoroughly disinfected by spraying with Sterilac Solution (one heaping teaspoonful to 5 gallons of water) Incubators and Incubator Houses should be thoroughly cleaned with alkali and hot water, and then washed with a Sterilac Solution (one teaspoonful to one gallon of water) to kill germs. Then spray the walls, ceilings and floors of incubator houses with Sterilac Solution (one teaspoonful to five gallons of water)", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since they represented that the article contained a germicidally active ingredient in the proportion of not less than 94 percent, contained inactive ingredients in a proportion of not more than 6 percent, that monohydrated sodium carbonate was the only inert or inactive ingredient, that the product was an ideal disinfectant, that it was nonpoisonous, that it was an effective disinfectant for the purposes indicated and at the dilutions specified on the label, that it would kill all germs and would disinfect poultry houses, yards, and coops when used as directed; whereas the article consisted of a mixture of chloramine T and inert substances, the inert substances being greatly in excess of the amount claimed on the label (15 to 22 percent of the product being inert); monohydrated sodium carbonate was not the only inert or inactive ingredient; the product was not nonpoisonous; and would not be an effective disinfectant at the dilutions specified on the label.

Misbranding was alleged for the further reason that the following statements, "Disinfectant \* \* \* Milking Machine Parts Immediately after milking, suck through the teat cups and tubes, before removing from the machine, first cold water, then hot alkaline water, then hot water, followed by Sterilac solution—one level teaspoonful to a gallon. Now completely immerse tubes and teat cups in Sterilac solution—one level teaspoonful to each 5 gallons of water. Be sure the tubes are filled with the solution, and contain no air. Four pounds of salt to each 5 gallons of Sterilac Solution increase its efficiency and prevent freezing. To maintain efficient action, and each week, or when required (as shown by the use of the Sterilac teating outfit), one-half teaspoonful of Sterilac to each 5 gallons. Once a week the machines should be taken apart and thoroughly cleansed by scrubbing. Dairy Utensils, Milk Bottles, Pails, Pans and Food Containers—One teaspoonful of Sterilac to five gallons of water. Wooden Utensils, Tubs, Barrels, and Vats—One teaspoonful to 5 gallons of water (hot); prolonged contact is desirable. Hotels, Restaurants, Soda Fountains and Hospitals—Rinse dishes in one teaspoonful of Sterilac to 5 gallons of water", borne on the labels affixed to the 16-ounce and 8-ounce bottles, and similar statements on the labels of the 2-ounce bottles were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser since it would not be effective as a disinfectant for the purposes indicated and at the dilutions specified.

On July 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1511. Adulteration and misbranding of Chipman Dry Powdered Bordeaux Mixture. U. S. v. 1,080 4-Pound and 432 Pound Bags of Chipman Dry Powdered Bordeaux Mixture. Decree of condemnation. Product released under bond to be relabeled. (I. & F. no. 1903. Sample no. 54133-B.)**

This would cause injury to certain vegetation on which it was intended to be used. It contained an excessive amount of siliceous material.

On May 11, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,080 4-pound bags and 432 1-pound bags of Chipman Dry Powdered Bordeaux Mixture at Lancaster, Pa., alleging that the article had been shipped in interstate commerce on or about February 18, 1936, by the Chipman Chemical Co., from Bound Brook, N. J., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that siliceous material had been substituted in part for bordeaux mixture and in that it contained a substance or substances which would be injurious to certain vegetation on which it was intended to be used.

The article was alleged to be misbranded in that the statements, "Bordeaux Mixture \* \* \* For apples \* \* \* in the late sprays for bitter rot and blotch, use 8 to 9 pounds to 50 gallons of water", borne on the label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchasers since it was not bordeaux mixture, but consisted of a compound or compounds of copper and siliceous material and when used on apple trees as directed would cause serious injury to such trees.

On July 1, 1936, the Chipman Chemical Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1512. Misbranding of Aphine Dry Mix. U. S. v. 4 Bags of Aphine Dry Mix. Default decree of condemnation and destruction. (I. & F. no. 1907. Sample no. 44171-B.)**

This product contained inert substances and its label failed to bear the statement that is required on the label of an insecticide or fungicide containing inert substances.

On May 23, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four bags of Aphine Dry Mix at Middletown, R. I., alleging that the article had been shipped in interstate



commerce on or about November 14, 1935, by the Aphine Manufacturing Co., from Madison, N. J., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances, i. e., substances other than sulphur, which inert substances do not prevent, destroy, repel, or mitigate insects or fungi, and did not bear the name and percentage amount of each of the inert ingredients plainly and correctly stated on the label; nor, in lieu thereof, were the name and percentage amount of each and every ingredient having insecticidal or fungicidal properties correctly stated on the label.

On June 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1513. Misbranding of Arcady Roost Paint. U. S. v. 36 Quart Cans, 59 Pint Cans, and 48 Half-Pint Cans of Arcady Roost Paint. Decree of condemnation. Product released under bond to be relabeled. (I. & F. no. 1908. Sample no. 63129-B.)**

The labeling of this product contained false and misleading representations regarding its effectiveness against poultry mites and failed to declare the inert ingredients present in the article.

On May 26, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 cans of Arcady Roost Paint at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce in part on or about October 19, 1935, and in part on or about December 23, 1935, by the Arcady Laboratories, Inc., from Chicago, Ill., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the can label, "Clean roost thoroughly wiping off all dirt and dust and scraping off all lime or whitewash. Just paint the top sides of roosts and cross arms with Arcady Roost Paint, using about one ounce to fifteen feet of roosts. One pint will treat over three hundred feet of roosts. For wire bottom coops paint the wire with Arcady Roost Paint. Arcady Roost Paint is sufficiently potent so that one application will last four or five days. \* \* \* We therefore recommend a second application a week later to completely free birds of \* \* \* mites", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since they represented that the article, when used as directed, would act as an effective insecticide against mites; whereas the article, when used as directed, would not act as an effective insecticide against mites.

The article was alleged to be misbranded further in that it consisted partially of inert substances, namely, water and soap, and the name and percentage amount of each of the inert substances present in the article were not stated plainly and correctly on the can label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances present therein, stated plainly and correctly on the label.

The libel further charged misbranding of the product under the Food and Drugs Act reported in notice of judgment no. 26974 published under that act.

On November 18, 1936, the Arcady Laboratories, Inc., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1514. Misbranding of Moth Wool. U. S. v. 418 Cartons and 231 Cartons of Moth Wool. Decrees of condemnation and destruction. (I. & F. nos. 1902, 1910. Sample nos. 55320-B, 55341-B.)**

This product was misbranded because of false and misleading representations regarding its alleged effectiveness in the control of moths, and failure of the label to declare the total and water-soluble arsenic (expressed as metallic) and the inert ingredients present. One lot contained arsenic in excess of the amount declared on the label.

On May 13 and June 12, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 649 cartons of Moth Wool at Chicago, Ill., alleging that the article had been shipped in inter-

state commerce by Baltus Rolfs, Inc., from West Bend, Wis., in various shipments on or about April 16, May 7, and May 15, 1936, and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, "Mothwool. A moth destructant Moth Wool \* \* \* An Amazing, New Scientific Discovery This carton contains Moth Wool in the form of pads which have been thoroughly impregnated with food that moths seek. \* \* \* Moth Wool also contains a devitalizing substance which positively prevents the eggs laid therein from hatching, thereby eliminating the destructive larva or moth worm, which does all the damage. The clothes moth lives only about 10 to 14 days. It is harmless, but its eggs must be destroyed. Moth Wool does this. Keep the Moth from Hatching Its Larva In Your Home And You Will Prevent Further Damage By Moths. Moth Wool assists you to protect your wearing apparel, your rugs, draperies, upholstered furniture and anything that moths attack. \* \* \* Follow the directions on pad. Use two or more pads for each closet, depending on size, one or more for chests and one on the under side of upholstered furniture", borne on the carton, and similar statements borne on the label and in an accompanying circular, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article, when used as directed, would act as an effective insecticide against moths and would prevent moth eggs from hatching, would kill moth eggs, and would eliminate moth larvae; whereas the article, when used as directed, would not act as an effective insecticide against moths, would not prevent moth eggs from hatching, would not kill moth eggs, and would not eliminate moth larvae. The article was alleged to be misbranded further in that it contained arsenic, and the total amount of arsenic and the amount of arsenic in water-soluble forms present therein were not stated on the label expressed as percentum of metallic arsenic; and in that it consisted partially of inert substances or ingredients, namely, substances other than arsenic trioxide, and the name and percentage amounts of each inert substance or ingredient present in the article were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert substance present therein stated plainly and correctly on the label. Misbranding was alleged with respect to one lot for the further reason that the statements (carton), "The pads in this package contain less than 2 percent of arsenic trioxide. \* \* \* This pad contains less than 2 percent of arsenic trioxide", borne on the label, were false and misleading and were applied to the article so as to deceive and mislead purchasers, in that they represented that the article contained less than 2 percent of arsenic trioxide; whereas it contained more than 2 percent of arsenic trioxide.

On August 21 and October 23, 1936, Baltus Rolfs, Inc., having appeared in one case and consented to the entry of a decree and no appearance having been made in the remaining case, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1515. Adulteration and misbranding of Hartz Mountain My-T-Mite Powder. U. S. v. Hartz Mountain Products, Inc. Plea of guilty. Fine, \$300. (I. & F. no. 1915. Sample nos. 50778-B, 52151-B.)**

This case involved two shipments of an insecticide, of which one lot contained a smaller proportion of sulphur than declared and no naphthalene, which was declared as an ingredient, and the other lot was misbranded as to the identity of the active ingredient.

On July 29, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hartz Mountain Products, Inc., New York, N. Y., alleging shipment by said defendant on or about October 21, 1935, from the State of New York into the State of New Jersey, and on or about January 16 and January 27, 1936, from the State of New York into the State of Pennsylvania, of quantities of Hartz Mountain My-T-Mite Powder which was misbranded and a part of which was also adulterated in violation of the Insecticide Act of 1910.

The product in one shipment was alleged to be adulterated in that the statement "Sulphur 15%, Naphthalene 15%", borne on the can label, represented that the standard and quality of the article were such that it contained sulphur in a proportion of not less than 15 percent and contained naphthalene in a pro-



portion of not less than 15 percent; whereas the article contained sulphur in a proportion less than 15 percent and contained no naphthalene.

Misbranding of the product was alleged in that the statements, "Sulphur 15%, Naphthalene 15%" with respect to one lot, and "Active Ingredients, Tubatoxin 2.4%" with respect to the remaining lot, borne on the labels, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead purchasers, since the product in the former lot contained less than 15 percent of sulphur and no naphthalene, and the product in the latter lot contained no tubatoxin, the active ingredients consisting of pyrethrum powder and sulphur.

On August 4, 1936, a plea of guilty was entered on behalf of the defendant, and on August 11, 1936, a fine of \$300 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1516. Misbranding of Patterson's Cedarix Tubes. U. S. v. 4 Gross of Patterson's Cedarix Tubes. Default decree of condemnation and destruction. (I. & F. no. 1916. Sample no. 57119-B.)**

The labeling of this product bore false and misleading claims regarding its alleged effectiveness in the control of moths.

On July 2, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 gross of Patterson's Cedarix Tubes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 13, 1936, by Patterson-Bateman from Los Angeles, Calif., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Use one per garment Patterson's Cedarix Tubes For repelling moths from chests trunks drawers blankets furs pianos and overstuffed furniture", borne on the label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead purchasers, since it would not repel moths and would not protect blankets and overstuffed furniture from moth damage.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1517. Misbranding of Clen-Zit. U. S. v. Jacob A. Meinhardt (Laboratory Products Co.). Plea of guilty. Fine, \$25. (I. & F. no. 1917. Sample no. 53104-B.)**

This product contained an inert ingredient and its label failed to bear the statement that is required in the case of a fungicide containing an inert ingredient.

On July 23, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jacob A. Meinhardt, trading as the Laboratory Products Co., Chicago, Ill., alleging shipment by said defendant on or about December 30, 1935, from the State of Illinois into the State of Georgia of a quantity of Clen-Zit, that was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances or ingredients, namely, substances other than sodium hypochlorite, and the name and percentage amount of each substance or ingredient present in the article were not stated plainly and correctly on the label affixed to the bottles containing the article; nor, in lieu thereof, were the name and percentage amount of the substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the label.

On October 13, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1518. Adulteration and misbranding of Wolcott Brand Chlorinated Lime. U. S. v. 13 Cases of Wolcott Brand Chlorinated Lime. Default decree of condemnation and destruction. (I. & F. no. 1919. Sample no. 6954-C.)**

This product contained a smaller proportion of available chlorine and a larger proportion of inert ingredients than declared and was labeled with false and misleading representations relative to its effectiveness as a disinfectant, deodorizer, and insecticide.

On or about August 3, 1936, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of Wolcott Brand Chlorinated Lime at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about May 25 and June 3, 1936, by the Sunlight Chemical Corporation, from Phillipsdale, R. I., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was labeled "Available Chlorine, Not Less Than 30%, Inert Ingredients, Not More Than 70%"; whereas it contained available chlorine in a proportion less than 30 percent and contained inert ingredients in a proportion greater than 70 percent.

The article was alleged to be misbranded in that the following statements, "Available Chlorine, Not Less Than 30%, Inert Ingredients, Not More Than 70%, The use of Wolcott Chlorinated Lime sprinkled dry in outdoor vaults, on piles of stable manure, in garbage receptacles, or on decomposing animal or vegetable matter of all kinds, will not only destroy any germs of disease that may be present \* \* \* prevent such matter from attracting flies, and effectually prevent their breeding therein", "For purifying vaults, water closets, cesspools, drains, cellars, etc. Disinfecting and deodorizing agent", "For Deodorizing and Disinfecting indoor closets, outside vaults, garbage receptacles, stable manure, and decaying animal and vegetable matter of all sorts, sprinkle Wolcott Chlorinated Lime on lightly", "To use as a Liquid Disinfectant for Ordinary Purposes, one ounce of Wolcott Chlorinated Lime to a gallon of water will be sufficient. Stir thoroughly, mashing the lumps if there are any. Allow to settle and then pour into an old sprinkling can and sprinkle thoroughly", borne on the label affixed to the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article contained available chlorine in a proportion less than 30 percent, it contained inert ingredients in a proportion greater than 70 percent, when used as directed it would not prevent vaults, stable manure, garbage receptacles, etc., from attracting flies and would not prevent their breeding therein, would not destroy germs of the disease that might be present in said matter and places, would not purify vaults, water closets, cesspools, etc., would not disinfect the places and things claimed, and when applied by sprinkling would not act as a disinfectant for ordinary purposes.

On September 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1519. Misbranding of Hercules Drain Pipe Cleaner. U. S. v. Hercules Chemical Co., Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1921. Sample no. 30592-B.)**

This product was mislabeled with respect to the weight of the contents of the containers and its alleged germicidal effectiveness, and on account of failure to declare the inert ingredients.

On August 28, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hercules Chemical Co., Inc., New York, N. Y., alleging shipment by said company on or about May 6 and December 31, 1935, from the State of New York into the State of New Jersey, of a quantity of Hercules Drain Pipe Cleaner which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements "For Sanitary Purposes—The use of  $\frac{1}{8}$  can of Hercules regularly each week prevents stoppage, removing all danger of disease caused by germs, bad odors or noxious gases. \* \* \* Net Weight One Pound", borne on the label affixed to the cans containing the article, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, in that they represented that the article when used as directed would remove all danger of disease caused by germs or noxious gases and that each of the cans contained 1 pound net of the article; whereas the article when used as directed would not remove all danger of disease caused by germs or noxious gases and each of the cans did not contain 1 pound net of the article, but did contain a less amount.



Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, i. e., substances other than sodium hydroxide and sodium carbonate, and the name and percentage amount of each inert substance or ingredient present in the article were not stated plainly and correctly on the can label; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the label.

On September 15, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1520. Adulteration and misbranding of Melton Brand Bleach Water. U. S. v. Milton Cohen and Harry Yaffee (Luxso Manufacturing Co.). Pleas of guilty. Fines, \$10. (I. & F. no. 1925. Sample no. 65961-B.)**

This product contained a smaller proportion of the active ingredient and a larger proportion of the inert ingredient than declared. The labeling also contained false and misleading claims as to the effectiveness of the article as a germicide.

On September 21, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Milton Cohen and Harry Yaffee, co-partners, trading as the Luxso Manufacturing Co., Brockton, Mass., alleging shipment by said defendants on or about February 12, 1936, from the State of Massachusetts into the State of Rhode Island of a quantity of Melton Brand Bleach Water, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was labeled, "Active Ingredients, Available Chlorine 4%, Inert Ingredients, Water 96%"; whereas it contained available chlorine in a proportion less than 4 percent and an inert ingredient, water, in a proportion greater than 96 percent.

Misbranding was alleged for the reason that the statements, "Active Ingredients, Available Chlorine 4%, Inert Ingredients, Water 96%", and "Melton Bleach Does Four Things: bleaches, removes stains, kills germs, and deodorizes", borne on the label affixed to the bottles containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 4 percent of available chlorine and contained inert ingredients, i. e., water only, in a proportion of not more than 96 percent, and that the article would kill all germs; whereas it contained available chlorine in a proportion less than 4 percent, it contained inert ingredients in a proportion greater than 96 percent, it contained inert ingredients in addition to water, namely, sodium chloride, sodium carbonate, and sodium bicarbonate, and it would not kill all germs.

On December 1, 1936, the defendants entered pleas of guilty and the court imposed fines in the total amount of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1521. Adulteration and misbranding of Bugine Roach Powder and misbranding of Mosquito Lotion and Insect Powder. U. S. v. Sam S. Kovacs and Joseph Weishaus (Royal Manufacturing Co. of Duquesne). Pleas of guilty. Fine, \$50. (I. & F. no. 1926. Sample nos. 47676-B, 47724-B, 57136-B.)**

This case involved the following products: (1) Bugine Roach Powder which contained smaller proportions of the active ingredients and a larger proportion of the inert ingredients than declared; (2) mosquito lotion which contained inert ingredients that were not declared on the label; and (3) alleged insect powder which consisted of a mixture of insect powder (pyrethrum powder) and borax and which failed to declare on the label the inert ingredients present in the article.

On September 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sam S. Kovacs and Joseph Weishaus, members of a firm trading as the Royal Manufacturing Co. of Duquesne at Chicago, Ill., alleging shipment by said defendants in violation of the Insecti-

cide Act of 1910, on or about July 18 and August 14, 1935, from the State of Illinois into the State of Indiana, of a quantity of mosquito lotion that was misbranded; on or about October 28, 1935, from the State of Illinois into the State of Wisconsin of a quantity of Bugine Roach Powder that was adulterated and misbranded, and on or about February 15, 1936, from the State of Illinois into the State of Michigan of a quantity of alleged insect powder that was misbranded.

The Bugine Roach Powder was charged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Active Ingredients Sodium Fluoride 70%, Sodium Bifluoride 2%, Inert Ingredients Not Over 28%"; whereas it contained sodium fluoride in a proportion less than 70 percent, sodium bifluoride in a proportion less than 2 percent, and inert ingredients in a proportion greater than 28 percent.

The Bugine Roach Powder was charged to be misbranded in that the statements, "Active Ingredients Sodium Fluoride 70%, Sodium Bifluoride 2%, Inert Ingredients Not Over 28%", borne on the label affixed to the packages containing the articles, were false and misleading, and by reason thereof, the article was labeled so as to deceive and mislead the purchaser since it contained less sodium fluoride and less sodium bifluoride than declared, and inert ingredients in a proportion greater than declared.

The alleged insect powder was charged to be misbranded in that the statement "Insect Powder", borne on the package label, was false and misleading, and by reason thereof the article was labeled so as to deceive and mislead the purchaser since it was not insect powder but was a mixture of insect powder (i. e., pyrethrum powder) and borax.

Misbranding was charged with respect to the alleged insect powder and the mosquito lotion for the reason that they consisted partially of inert substances or ingredients, namely, in the case of the insect powder, substances other than powdered pyrethrum flowers and borax, and in the case of the mosquito lotion, substances other than oil of citronella, and the name and the percentage amount of each inert substance or ingredient present in the articles were not stated plainly and correctly on the labels; nor, in lieu thereof, were the names and the percentage amounts of the substances or ingredients of the articles having insecticidal properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the labels.

On October 26, 1936, the defendants entered pleas of guilty and the court imposed fines in the total amount of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1522. Misbranding of lime-sulphur solution. U. S. v. The Cooperative G. L. F. Mills, Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1927. Sample no. 67757-B.)**

This product contained an inert ingredient and its label failed to bear the statement that is required in the case of an insecticide and fungicide containing an inert ingredient.

On September 21, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cooperative G. L. F. Mills, Inc., North Collins, N. Y., alleging shipment by said company on or about March 31, 1936, from the State of New York into the State of Pennsylvania, of a quantity of lime-sulphur solution which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, water, and the name and percentage amount of the said inert substance or ingredient were not stated plainly and correctly on the label affixed to the drums containing the article; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the said label.

On November 19, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*



**1523. Misbranding of San-Pheno. U. S. v. Huntington Laboratories of Colorado, Inc. Plea of guilty. Fine, \$150. (I. & F. no. 1930. Sample no. 59427-B.)**

The labeling of this product bore false and misleading claims regarding its germicidal and disinfectant effectiveness and failed to declare the inert ingredients present in the article.

On October 9, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Huntington Laboratories of Colorado, Inc., Denver, Colo., alleging shipment by said company on or about February 27, 1936, from the State of Colorado into the State of California, of a quantity of San-Pheno which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements "\* \* \* its germicidal power is unusually high \* \* \* is quick and positive in bactericidal action \* \* \* Directions Dilute in same proportions as Cresol Compound Disinfectant \* \* \* For general carbolizing San-Pheno is high in germicidal strength \* \* \* For disinfecting surgical instruments San-Phenol makes a clear solution in water \* \* \* For use in washing \* \* \* linens and in the utility room San-Phenol is without equal", borne on the label affixed to the drum containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead purchasers, in that they represented that the article possessed quick and positive bactericidal action, that it was high in germicidal strength against all organisms, that it would be effective in disinfecting instruments and linens in the dilutions specified on the label, and that it was without equal in the utility room; whereas the article would not be quick and positive in bactericidal action, it was not high in germicidal strength against all organisms, it would not be effective in disinfecting instruments and linens in the dilution specified on the label, and it was not without equal in the utility room.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, namely, water, and the name and percentage amount of the said inert substance were not stated plainly and correctly on the label affixed to the drum containing the article; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substance or ingredient stated plainly and correctly on the label.

On November 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

*M. L. WILSON, Acting Secretary of Agriculture.*

**1524. Adulteration and misbranding of Chipman Calgreen. U. S. v. 541 Bags of Chipman Calgreen. Default decree of condemnation and destruction. (I. & F. no. 1933. Sample no. 5186-C.)**

This product contained water-soluble arsenic, expressed as metallic, in excess of the amount declared and would be injurious to certain vegetation on which it was intended to be used.

On September 11, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 541 4-pound bags of Chipman Calgreen at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about May 7, 1936, by the Chipman Chemical Co., Inc., from Bound Brook, N. J., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that it contained a substance or substances that were injurious to cotton and potato plants when used as directed.

The article was alleged to be misbranded in that the following statements appearing in the labeling, (carton and bag labels) "Water Soluble Arsenic (as Metallic) not more than 2.0%" (carton labels) "For control of the Cotton Leaf Worm dust the plants with Calgreen just as it comes from the package at the rate of 3 to 6 lbs. per acre, depending on the size of the cotton and the degree of infestation", and (bag label) "Directions Spraying—For potato bugs use 1½ to 2 lbs. Calgreen to 50 gallons of water. This quantity should cover ¾ to 1 acre of potatoes. Before spraying, thoroughly mix the powder in a pail of water to a thin cream and strain through a fine mesh screen into the spray tank. Dusting—For potato bugs apply Calgreen with a dust gun or

shaker at the rate of  $1\frac{1}{2}$  to 2 lbs. per acre depending on the size of the plants. Make dust applications preferably when the foliage is wet with dew. Enshroud each plant with a dust cloud but do not heavily coat the leaves. Spray or dust with Calgreen as soon as the bugs appear. Continue applications as conditions require in order to protect the new growth against insect injury. Spray early and often and thoroughly. Do not wait too long between sprays if the plants are growing fast. The bugs always attack the new growth first", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since they represented that the article contained water-soluble arsenic, expressed as metallic, in a proportion of not more than 2 percent, that when used as directed it would control the cotton leaf worm without injury to cotton and the potato bug without injury to potatoes; whereas the article contained more than 2 percent of water-soluble arsenic expressed as metallic, and when used as directed it would be injurious to cotton and potatoes.

On December 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**1525. Adulteration and misbranding of Calgreen. U. S. v. 10 Drums of Calgreen. Consent decree of condemnation and destruction. (I. & F. no. 1935. Sample no. 13316-C.)**

This product contained a smaller proportion of the active ingredients and a larger proportion of the inert ingredients than declared on the label.

On or about September 22, 1936, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 drums of Calgreen at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about April 29, 1936, by the Chipman Chemical Co., from Bound Brook, N. J., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold.

The article was alleged to be misbranded in that the following statements borne on the label, "Active Ingredients Paris green—not less than 25%, Tricalcium Arsenate—not less than 50%, Inert Ingredients—not more than 25%, Total Arsenic (As metallic)—not less than 28%", were false and misleading since the article contained less than 25 percent of paris green, less than 50 percent of tricalcium arsenate, less than 28 percent of total arsenic expressed as metallic, and more than 25 percent of inert ingredients.

On October 16, 1936, the Chipman Chemical Co. having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*



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